



IN THE MATTER OF:

Complainant,

and

AREAWIDE CELLULAR.

Respondent.

Charge No.: 2003CF3726

EEOC No.: 21BA32500

ALS No.: 04-390

RECOMMENDED ORDER AND DECISION

On September 20, 2004, the Illinois Department of Human Rights filed a complaint on behalf of Complainant, Alan T. Micou. That complaint alleged that Respondent, Areawide Cellular, unlawfully retaliated against Complainant when it discharged him.

This matter now comes on to be heard on Respondent's Motion to Dismiss Action for Want of Prosecution. Although Complainant was served with a copy of that motion, he neither filed a written response nor appeared for the hearing on the motion. The matter is ready for decision.

FINDINGS OF FACT

The following facts were derived from the record file in this matter.

1. Complainant appeared at scheduled status hearings on November 18 and December 7, 2004. At both such hearings, Complainant requested additional time to retain counsel.
2. At the December 7, 2004 status hearing, this matter was set for further status on February 1, 2005.
3. Complainant did not appear at the scheduled status hearing on February 1, 2005. Respondent appeared by counsel and was given leave to file a motion to dismiss.
4. Respondent mailed its motion to dismiss to Complainant and to the Illinois

Department of Human Rights on February 1, 2005. Pursuant to the February 1, 2005 order, the motion to dismiss was set for hearing on March 1, 2005 at 10:00 a.m.

5. Complainant did not file any written response to Respondent's motion. The time for filing such a motion has passed.

6. Complainant did not appear at the scheduled hearing on Respondent's motion.

CONCLUSIONS OF LAW

1. Complainant's failure to appear for scheduled status hearings has unreasonably delayed the proceedings in this matter.

2. In light of Complainant's apparent abandonment of his claim, it is appropriate to dismiss this matter with prejudice.

DISCUSSION

Although he appeared for the first two status hearings in this matter, Complainant has failed to appear for two successive hearings. In addition, although a motion to dismiss was mailed to his last known address, he failed to file a written response or to appear at the hearing on the motion. His inaction has unreasonably delayed the proceedings in this matter.

For reasons unknown, it appears that Complainant has simply abandoned his claim. As a result, it is appropriate to dismiss his claim with prejudice. See **Leonard and Solid Matter, Inc.**, ___ Ill. HRC Rep. ___, (1989CN3091, August 25, 1992).

RECOMMENDATION

Based upon the foregoing, it appears that Complainant has abandoned his claim. Accordingly, it is recommended that the complaint in this matter be dismissed with prejudice.

HUMAN RIGHTS COMMISSION

BY: _____
MICHAEL J. EVANS
ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION

ENTERED: March 8, 2005